

The application is for full planning permission for the demolition of 18 garages and the construction of 4, 2 bedroom semi-detached houses.

The site lies within the Urban Neighbourhood of Newcastle under Lyme as defined on the Local Development Framework Proposals Map.

The application has been "called in" to the Planning Committee by two ward members due to public concerns relating to highway safety and loss of amenity.

The 8 week period for the determination of this application expires on 16 June 2015.

RECOMMENDATION

REFUSE for the following reason:-

1. The layout and appearance of the proposed dwellings does not relate well or respond, in a positive manner, to the existing residential environment and would be harmful to the character of the area contrary to local and national policy.

Reason for Recommendation

In the context of your Officer's position that a robust 5 year supply of deliverable housing sites cannot be demonstrated there is a presumption in favour of the development unless any harm arising significantly and demonstrably outweighs the benefits. The benefits that have been identified are, in this case, outweighed by the harm that would be caused to the character and appearance of the area.

Statement as to how the Local Planning Authority has worked with the applicant in a positive and proactive manner in dealing with this application

The design concerns cannot be addressed without substantial changes to the scheme and a period of further public consultation being undertaken. The appropriate course of action therefore is to refuse the application.

Key Issues

The main issues for consideration in the determination of this application are:

1. Is the principle of residential development in this location acceptable?
2. What is the impact upon the character of the area, and is the impact acceptable?
3. Would the impact of the development on the living conditions for neighbouring residents and the living conditions of future occupants of the development be adequate?
4. Is the use of the existing access for the dwelling acceptable in highway safety terms and is the loss of garages acceptable?

1. Is this an appropriate location for residential development?

Local and national planning policy seeks to provide new housing development within existing urban development boundaries on previously developed land. The site is located within the Urban Area of Newcastle in a sustainable location.

Policy ASP5 of the Core Spatial Strategy (CSS) – the most up-to-date and relevant part of the development plan - sets a requirement for at least 4,800 net additional dwellings in the urban

area of Newcastle-under-Lyme by 2026 and a target of at least 1,000 dwellings within Newcastle Urban South and East (within which the site lies).

Policy SP1 of the CSS states that new development will be prioritised in favour of previously developed land where it can support sustainable patterns of development and provides access to services and service centres by foot, public transport and cycling. The Core Strategy goes on to state that sustainable transformation can only be achieved if a brownfield site offers the best overall sustainable solution and its development will work to promote key spatial considerations. Priority will be given to developing sites which are well located in relation to existing neighbourhoods, employment, services and infrastructure and also taking into account how the site connects to and impacts positively on the growth of the locality.

Furthermore, Policy H1 of the Local Plan seeks to support housing within the urban area of Newcastle or Kidsgrove or one of the village envelopes.

Paragraph 49 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. It also states that relevant policies for the supply of housing cannot be considered up-to-date if the LPA cannot demonstrate a five-year supply of deliverable housing sites. At paragraph 14, the Framework also states that, unless material considerations indicate otherwise, where the development plan is absent, silent or relevant policies are out-of-date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF at a whole.

This is considered to be a sustainable location for housing development being close to services and facilities which promotes choice by reason of its proximity to modes of travel other than the private motor car. The principle of 4 dwellings is therefore considered acceptable and in accordance with the development plan and the NPPF. The Local Planning Authority, however, in the opinion of your Officer, is currently unable to robustly demonstrate a five year supply of specific, deliverable housing sites (plus an additional buffer of 20%) as required by paragraph 47 of the Planning Policy Framework (NPPF) given that it does not have a full and objective assessment of need. As such the policies of the Development Plan, in as far as they relate to the location of dwellings, are to be considered out-of-date. Notwithstanding this, the starting point is one of a presumption in favour of residential development, unless adverse impacts of the development would significantly and demonstrably outweigh the benefits.

2. Is the impact on the form and character of the area acceptable?

Policy CSP1 of the Core Spatial Strategy seeks to ensure that new development is well designed to respect the character, identity and context of Newcastle's unique townscape and landscape including its rural setting and the settlement pattern created by the hierarchy of centres.

Paragraph 17 of the National Planning Policy Framework (NPPF) identifies, as one of the 12 core principles, that planning should always seek high quality design as a core principle. At paragraph 60 it indicates that decisions should not attempt to impose architectural styles or particular tastes, but indicates at paragraph 58 it is proper for Planning Authorities to seek to promote or reinforce local distinctiveness.

The Urban Design SPD provides further specific detailed design guidance. It advises, at R3, that new housing must relate well to its surroundings, not ignoring the existing environment but responding to it and enhance it. At R12 it indicates that residential development should be designed to contribute towards improving the character and quality of the area.

Existing residential development in the area is primarily 1930's semi-detached housing with front gardens, generous rear gardens and independent driveway car parking. The site is surrounded by the rear gardens of residential properties fronting The Plaisance to the north, Kingsway East to the south and Doddington Place to the east. Immediately to the west there is a large block of three storey flats overlooking a central green, The Square. The size of the plots for the proposed dwellings is considerably smaller than the dwellings in the surrounding

area and would detract from the established structure and layout of the area which is relatively uniform. In addition the design and appearance of the proposed dwellings does not reflect the character of the area.

It is therefore considered that the development does not relate well or respond, in a positive manner, to the existing residential environment and would be harmful to the character of the area.

3. Would the impact of the development on the living conditions for neighbouring residents and the living conditions of future occupants of the development be adequate?

Supplementary Planning Guidance (SPG) Space about Dwellings provides guidance on the assessment of proposals on matters such as light, privacy and outlook. The guidance states that for one or two storey buildings facing another of the same height, at least 21 metres should be maintained between dwellings where principal windows overlook each other. That distance can be reduced to 13.5 metres if a facing wall contains no principal windows or lowered to 17.5 metres where such windows do not directly face each other. The locality is an area where higher space standards are prevalent than those quoted in the SPG.

The proposed dwellings are located around 30 metres away from neighbouring properties of Kingsway West closest to the site. Around 40 metres from the closest properties along The Plausaunce and around 21 metres away from 18 metres from the rear of 10 Doddington Place. When measured against the guidance, the amount of separation evident exceeds the minimum recommended distances therefore the impact to amenity is considered to be acceptable.

4. Is the use of the access and parking provision proposed acceptable in highway safety terms?

Paragraph 32 of the Framework states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

Policy T16 of the Local Plan states that development which provides significantly less parking than the maximum specified levels will not be permitted if this would create or aggravate a local on-street parking or traffic problem, and furthermore that development may be permitted where local on-street problems can be overcome by measures to improve non-car modes of travel to the site and/or measures to control parking and waiting in nearby streets. The NPPF, at paragraph 32, states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. In March this year the Secretary of State gave a statement on maximum parking standards indicating that the government is keen to ensure that there is adequate parking provision both in new residential developments and around town centres and high streets.

Policy H4 of the Local Plan states that planning permission will not be granted for additional dwellings on garage courts unless the facilities do not serve a local need; alternative parking with equivalent or better capacity is proposed; or car parking facilities that remain would be satisfactory for the identified demand. The applicant indicates that all but 2 of the 18 garages are tenanted and that all but three of the tenants have off street parking facilities at their home address. The submission argues that consideration only needs to be given to the replacement of 3 parking spaces lost to the tenants that do not have off street parking facilities at their home address. The applicant's conclusion, following a survey of on street parking is that there is capacity on street to accommodate an additional 3 vehicles if necessary without detriment to the local road network.

The proposed development provides two parking spaces for each dwelling which is in accordance with Policy T16 which indicates that a maximum of 2 spaces should be provided for dwellings with 2 or 3 bedrooms.

The objections received indicate that there is on street parking, particularly when there are events associated with the Churches nearby. There is no basis to conclude, however, that

any parking arising from the loss of the garages and in connection with the occupation of the proposed the dwellings would result in any highway safety concerns that would justify refusal.

Do the adverse impacts of the development significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole?

The development will make a small contribution to the supply of housing and through the removal of two blocks of garages which are detrimental to the appearance of the area. Such benefits are not substantially and demonstrably outweighed by the harm that would be caused to the character of the area and as such the NPPF paragraph 14 presumption in favour of sustainable development does not apply in this case.

Policies and Proposals in the Approved Development Plan relevant to this decision:-

Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006 -2026 (adopted 2009) (CSS)

Policy SP1	Spatial principles of Targeted Regeneration
Policy SP3	Spatial principles of Movement and Access
Policy CSP1	Design Quality
Policy CSP3	Sustainability and Climate Change
Policy ASP5	Newcastle and Kidsgrove Urban Neighbourhoods Area Spatial Policy

Newcastle-under-Lyme Local Plan 2011 (NLP)

Policy H1	Residential development: sustainable location and protection of the countryside
Policy H4:	Housing Development and Retention of Parking Facilities
Policy T16	Development – General parking requirements
Policy T18	Development servicing requirements

Other Material Considerations

National Planning Policy Framework (March 2012)

Planning Practice Guidance (March 2014)

Supplementary Planning Documents/Guidance

Space Around Dwellings SPG (SAD) (July 2004)

Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance SPD

Waste Management and Recycling Planning Practice Guidance Note (January 2011)

Planning History

None relevant.

Views of Consultees

Landscape Development Section has no objections subject to conditions requiring:-

1. the construction of the development to follow the tree protection information provided within the submitted Tree Survey and Arboricultural Impact Survey.
2. approval of a landscaping scheme

The **Highway Authority** has no objections to the development subject to conditions relating to:-

1. Access, parking, serving and turning have been provided in accordance with the submitted plan drawings.

2. The access drives rear of the highway have been surfaced and maintained in a bound material.

Environmental Protection has no objections subject to conditions relating to:-

1. Demolition and construction hours limited to between 7am hours and 6pm Monday to Friday and not at any time on Sundays, Bank Holidays or after 1pm on any Saturday.
2. Contaminated land remediation.

Representations

18 letters of representation plus a petition with 117 signatories have been received objecting to the proposal on the following grounds:-

- The style of architecture is not in keeping with the area and the development appears crammed into the site.
- The removal of garages will exacerbate existing parking problems that arise particularly when social and religious events take place in the churches.
- The access to the site is inadequate and increased traffic from the development will also lead to highway safety problems.
- The proposal will lead to a loss of privacy, noise and overlooking.
- The proposal will lower amenity.
- There is no need for the type of housing proposed and low rise bungalows would be better.

Applicant/agent's submission

Application forms and indicative plans have been submitted along with a Design and Access Statement. The application documents are available for inspection at the Guildhall and via the following link

www.newcastle-staffs.gov.uk/planning/1500308FUL

Background Papers

Planning File
Planning Documents referred to

Date Report Prepared

8 June 2015